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5 Counsel for USACM Liquidating Trust

6 **UNITED STATES BANKRUPTCY COURT**7 **DISTRICT OF NEVADA**

8 In re:  
 9 **USA COMMERCIAL MORTGAGE COMPANY,**  
 Debtor.

Case Nos.:  
 BK-S-06-10725-LBR  
 BK-S-06-10726-LBR  
 BK-S-06-10727-LBR  
 BK-S-06-10728-LBR  
 BK-S-06-10729-LBR

10 In re:  
 11 **USA CAPITAL REALTY ADVISORS, LLC,**  
 Debtor.

JOINTLY ADMINISTERED  
 Chapter 11 Cases

12 In re:  
 13 **USA CAPITAL DIVERSIFIED TRUST DEED**  
 FUND, LLC,

Judge Linda B. Riegle Presiding

14 Debtor.  
 15 In re:  
 16 **USA CAPITAL FIRST TRUST DEED FUND,**  
 LLC,

**NOTICE OF FILING PROOF OF  
 SERVICE OF SUBPOENA FOR  
 RULE 2004 EXAMINATION**

17 Debtor.  
 18 In re:  
 19 **USA SECURITIES, LLC,**

Debtor.  
 Affects:  
 All Debtors  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

23  
 24 NOTICE IS GIVEN that USACM Liquidating Trust Company has filed:

25 **Proof of Service of Subpoena for Rule 2004**  
 26 **Examination on Tom Rondeau, Partner and**  
**Authorized Agent for Goold, Patterson, Ales & Day**  
**(Exhibit A Attached).**

1 DATED: April 25, 2007  
2

3 **LEWIS AND ROCA LLP**  
4

5 By: /s/ Rob Charles (#6593)  
6

7 Susan M. Freeman, AZ 4199 (pro hac vice)  
8 Rob Charles, NV 6593  
9 3993 Howard Hughes Parkway, Suite 600  
10 Las Vegas, Nevada 89169-5996

11 *Counsel for Official Committee of Unsecured Creditors of  
12 USA Commercial Mortgage Company*

13 -and-

14 **DIAMOND MCCARTHY TAYLOR FINLEY & LEE LLP**  
15

16 By: /s/ Eric D. Madden (pro hac vice)  
17

18 Allan B. Diamond, TX 05801800 (pro hac vice)  
19 William T. Reid, IV, TX 00788817 (pro hac vice)  
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22 Dallas, Texas 75270

23 *Special Litigation Counsel for Official Committee of  
24 Unsecured Creditors of USA Commercial Mortgage Company*

# **Exhibit A**

# AFFIDAVIT OF SERVICE

STATE OF NEVADA )

)

COUNTY OF CLARK )

KEVIN R. SMITH, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Monday April 09 2007; 1 copy(ies) of the:

**SUBPOENA FOR RULE 2004 EXAMINATION AND ORDER REQUIRING GOOLD  
PATTERSON ALES & DAY TO PRODUCE A CORPORATE REPRESENTATIVE FOR  
EXAMINATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

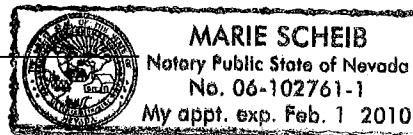
I served the same on Monday April 09 2007 at 01:24PM by:

**Serving the Witness, GOOLD, PATTERSON, ALES & DAY**

Substituted Service, by leaving the copies with or in the presence of: TOM RONDEAU, PARTNER Authorized Agent. at the Witness's Business located at 4496 S PECOS ROAD, LAS VEGAS, NV 89121.

SUBSCRIBED AND SWORN to before me on this  
Monday April 09 2007

*Marie Scheib*  
\_\_\_\_\_  
Notary Public



*Kevin R. Smith*  
\_\_\_\_\_  
Affiant: KEVIN R. SMITH

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